

### REMARKS

Applicant has amended claim 1. Applicant respectfully submits that these amendments to the claim 1 are supported by the application as originally filed (see page 10, lines 1-6) and do not contain any new matter. Accordingly, the Office Action will be discussed in terms of the claims as amended.

The Examiner has rejected claim 1 under 35 USC 103 as being obvious over Berg in view of Kumano, stating that Berg discloses each and every element of Applicant's invention except that there may not be a foil cover for the movable cutter; Kumano demonstrates foil outer blades are old and well known; and it would have been obvious to one of ordinary skill in the art to modify Berg in view of the teachings of Kumano.

Applicant has carefully reviewed Berg and respectfully submits that it does not disclose each and every element of Applicant's invention. In particular, Applicant respectfully submits that as is clear from Figs. 3 and 4 of Berg, the inner cutters are fixed and not floating. In contrast thereto, the inner cutters in Applicant's invention are floating (see page 10, lines 1-6).

In view of the above, therefore, Applicant respectfully submits that Berg does not disclose each and every element of Applicant's invention. Therefore, Applicant respectfully submits that the combination suggested by the Examiner is not Applicant's invention. Accordingly, Applicant respectfully submits that claim 1 is not obvious over Berg in view of Kumano.

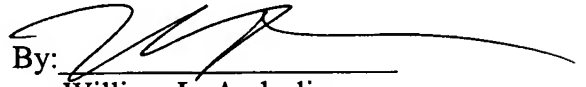
The Examiner has rejected claims 1-6 provisionally under the judicially created doctrine of obviousness-type double patenting as being obvious over claims 1-5 of copending application No. 10/444,240 and claims 1-4 of copending application No. 10/447,246. Submitted herewith is a terminal disclaimer. Accordingly, Applicant respectfully requests that the Examiner withdraw this rejection.

In view of the above, therefore, it is respectfully requested that this Amendment be entered, favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,

KODA & ANDROLIA

By:   
William L. Androlia  
Reg. No. 27,177

2029 Century Park East  
Suite 1430  
Los Angeles, CA 90067  
Tel: (310) 277-1391  
Fax: (310) 277-4118

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450, on

August 11, 2004

Date of Deposit

William L. Androlia

Name

8/11/2004

Signature

Date